

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Salis	Team: Squad #4	CCRB Case #: 201904298	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/04/2019 11:50 PM, NA, 02/___/2019 9:00 PM	Location of Incident: Church Avenue between East 42nd Street and East 43rd Street; East 35th Street and Cortelyou Road	Precinct: 67	18 Mo. SOL 11/4/2020	EO SOL 6/21/2021	
Date/Time CV Reported Fri, 05/17/2019 12:34 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/17/2019 12:34 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christian Cayenne	02135	954620	PBBS SU

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Alfred Foy	21496	954821	PBBS SU
2. SGT Brian Alexander	03185	948599	PBBS SU

Officer(s)	Allegation	Investigator Recommendation
A.POM Christian Cayenne	Abuse: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne stopped § 87(2)(b)	
B.POM Christian Cayenne	Abuse: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne questioned § 87(2)(b)	
C.POM Christian Cayenne	Abuse: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne searched § 87(2)(b)	
D.POM Christian Cayenne	Abuse: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne frisked § 87(2)(b)	
E.POM Christian Cayenne	Discourtesy: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne spoke discourteously to § 87(2)(b)	
F.POM Christian Cayenne	Off. Language: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne used offensive language towards § 87(2)(b)	
G.POM Christian Cayenne	Abuse: On May 4, 2019, at the intersection of Cortelyou Road and East 35th Street in Brooklyn, Police Officer Christian Cayenne questioned § 87(2)(b)	

Case Summary

On May 17, 2019, § 87(2)(b) called the CCRB and filed this complaint on behalf of her son § 87(2)(b). § 87(2)(b) did not witness these incidents.

On an unknown date in February 2019, at approximately 9:00 PM, § 87(2)(b) was walking on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn. PO Christian Cayenne, of Patrol Borough Brooklyn South Anti-Crime, and an unidentified officer exited an unmarked car and approached § 87(2)(b) (**Allegation A: Abuse of Authority, § 87(2)(g)**). PO Cayenne asked § 87(2)(b) “Do you have a gun? I’m trying to keep the streets safe” (**Allegation B: Abuse of Authority, § 87(2)(g)**). PO Cayenne lifted § 87(2)(b) coat (**Allegation C: Abuse of Authority, Unsubstantiated**), patted around § 87(2)(b) waistband, and frisked § 87(2)(b) between the legs (**Allegation D: Abuse of Authority, § 87(2)(g)**). PO Cayenne mumbled under his breath and called § 87(2)(b) “ugly” and a “monkey” (**Allegation E: Discourtesy, § 87(2)(g)**) (**Allegation F: Offensive Language, § 87(2)(g)**). PO Cayenne and the unidentified officer entered their car and drove away.

On May 4, 2019, at approximately 11:50 PM, § 87(2)(b) was walking on East 35th Street in Brooklyn and crossed Cortelyou Road. PO Cayenne, PO Alfred Foy, and Sgt. Brian Alexander drove alongside § 87(2)(b). PO Cayenne rolled down his window and asked § 87(2)(b) “You Folk now?” (**Allegation G: Abuse of Authority, § 87(2)(g)**). The officers then drove away.

No arrests were made or summons issued in relation to these incidents.

The investigation obtained two cell phone videos regarding these incidents. Neither video captures the period during which misconduct was alleged to have occurred.

Findings and Recommendations

Allegation (A) Abuse of Authority: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne stopped § 87(2)(b).

Allegation (B) Abuse of Authority: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne questioned § 87(2)(b).

Allegation (C) Abuse of Authority: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne searched § 87(2)(b).

Allegation (D) Abuse of Authority: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne frisked § 87(2)(b).

Allegation (E) Discourtesy: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne spoke discourteously to § 87(2)(b).

Allegation (F) Offensive Language: In February 2019, on Church Avenue between East 42nd Street and East 43rd Street in Brooklyn, Police Officer Christian Cayenne used offensive language towards § 87(2)(b).

It is undisputed that PO Cayenne, Sgt. Alexander, and PO Foy have all previously interacted with § 87(2)(b) although each denied interacting with § 87(2)(b) in February 2019.

§ 87(2)(b) (BR 01) stated that, although he was not entirely certain, he believed this incident took place on either February 21, 2019 or February 28, 2019. § 87(2)(b) testified that he was walking on Church Avenue when he noticed an unmarked car pass him, make a U-turn, and pull alongside him. PO Cayenne and an unidentified officer exited the unmarked car and approached § 87(2)(b). PO Cayenne asked § 87(2)(b) “Do you have a gun? I’m trying to keep the streets safe.” § 87(2)(b) told PO Cayenne that he did not have a gun. PO Cayenne lifted § 87(2)(b)

§ 87(2)(b) coat, frisked § 87(2)(b) waistband, and frisked him between the legs. Because § 87(2)(b) was upset and PO Cayenne was mumbling, § 87(2)(b) could not wholly recall PO Cayenne's statements. However, § 87(2)(b) knew that PO Cayenne called him "ugly" and a "monkey." PO Cayenne and the unidentified officer then entered their unmarked car and drove away.

PO Cayenne (BR 02) denied stopping § 87(2)(b) lifting § 87(2)(b) coat, frisking § 87(2)(b) waistband, or frisking between § 87(2)(b) legs. PO Cayenne denied asking § 87(2)(b) "Do you have a gun?" PO Cayenne denied calling § 87(2)(b) "ugly" or a "monkey." PO Cayenne made no memo book entries (BR 08) on February 21, 2019 or February 28, 2019 regarding this incident.

Sgt. Alexander (BR 03) never witnessed or became aware of PO Cayenne stopping, frisking, or searching § 87(2)(b) Sgt. Alexander denied witnessing any officer ask § 87(2)(b) "Do you have a gun?", or calling § 87(2)(b) "ugly" or a "monkey."

PO Foy (BR 04) denied witnessing any officer frisk or search § 87(2)(b) PO Foy denied asking § 87(2)(b) "Do you have a gun?", or calling § 87(2)(b) "ugly" or a "monkey."

§ 87(2)(g)

Allegation (G) Abuse of Authority: On May 4, 2019, at the intersection of Cortelyou Road and East 35th Street in Brooklyn, Police Officer Christian Cayenne questioned § 87(2)(b)

§ 87(2)(b) (BR 01) testified that he was walking on East 35th Street and observed an unmarked car driving slowly alongside him. PO Cayenne, who was driving the unmarked car, rolled down his window and asked § 87(2)(b) "You Folk now?" § 87(2)(b) understood this question as PO Cayenne inquiring whether he possessed gang affiliation with the Folk Nation. PO Cayenne told § 87(2)(b) to have a nice Easter, asked how § 87(2)(b) brother was § 87(2)(b) does not have a brother), and stated that § 87(2)(b) dread locks were getting longer. PO Cayenne then drove away.

§ 87(2)(b) provided the investigation with a cell phone recording (BR 05) of this incident. The video depicts PO Cayenne driving an unmarked car alongside § 87(2)(b) PO Cayenne asks, "How's everything, man? Happy Easter. Good to see you man, hope everything is well. How's your brother? Your dreads are growing out really well, man." § 87(2)(b) responds, "Yup, I don't know why you're still talking to me. You wanna talk to my lawyer." PO Cayenne states, "Sure, I'm just saying hello. You know, being nice." § 87(2)(b) states, "Yeah, I respect it. You guys have a goodnight." PO Cayenne states, "Alright, sir. Don't get hit." The officers then drive away. § 87(2)(b) testified that he began this recording after PO Cayenne allegedly asked, "You Folk now?"

PO Cayenne (BR 02) did not independently recall this incident. After being shown a cell phone recording of the incident (BR 05), PO Cayenne stated that he recalled the incident occurring, but he did not remember any information apart from what the video depicted. PO Cayenne did not recall asking § 87(2)(b) "You Folk now?"

Sgt. Brian Alexander (BR 03) testified that PO Cayenne asked § 87(2)(b) how he was. Sgt. Alexander did not recall the substance of PO Cayenne's conversation with § 87(2)(b) or hearing PO Cayenne ask § 87(2)(b) "You Folk now?"

PO Foy (BR 04) had no recollection of this incident. PO Foy did not recall any officer ever asking § 87(2)(b) "You Folk now?"

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (BR 06).
- PO Christopher Cayenne has been a member-of-service for six years and has been a subject in nine other CCRB complaints and twenty-six other allegations, of which two were substantiated:
 - 201808784 involved a substantiated allegation of stop. The Board recommended Command Discipline B and the NYPD has not yet imposed discipline.
 - 201810201 involved a substantiated allegation of a search of a person. The Board recommended Command Discipline B and the NYPD has not yet imposed discipline.
 - 201908247 involved an allegation of physical force. To date, this investigation is still open.

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On November 4, 2019, a FOIL request was submitted to the Office of the Comptroller to determine if any Notice of Claim had been filed in relation to this incident. The requested information will be added to the case file upon receipt.

• § 87(2)(b) [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Squad No.: Squad 4

Investigator:	_____	Investigator Carter Salis	11/07/19
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date